



JUSTIN CASTELAN

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PROFILE

Justin was admitted to practice in 1996. He practiced as a solicitor at Holding Redlich and Minter Ellison before he signed the Victorian Bar Roll in 2000. Justin has a broad civil and commercial practice with a particular specialty in media law and defamation. In his general practice, Justin has acted for Powercor Australia Ltd in more than a dozen matters over the last decade and has successfully run numerous intellectual property and breach of confidence cases, including on appeal in the Full Federal Court. In terms of defamation, Justin has appeared in many of the social media defamation trials that have taken place in Victoria, including successfully representing clients in front of juries. He has appeared in all Courts, including the High Court of Australia, the Full Federal Court and the Court of Appeal of the Supreme Court of Victoria.

Practice Areas

- Commercial Law
- Defamation, Media & Entertainment
- Economic Torts
- Intellectual Property
- Trade Practices
- Sports Law

Defamation and Media Law Cases

Justin has advised and appeared for a wide range of individuals and corporations in defamation and media law matters. He has advised parties in relation to television broadcasts, impending news and current affairs broadcasts, newspaper articles and publications online.

A number of Justin's recent media law cases are as follows.

- *Google LLC v Defteros (2022) 403 ALR 434; [2022] HCA 27; [2021] VSCA 167* (High Court of Australia; Victorian Supreme Court, Court of Appeal); appeared for the respondent with David Gilbertson KC and Ted Guthrie in the appeals from the judgment of Her Honour Justice Richards in the matter of *Defteros v Google LLC [2020] VSC 219*. Opponents included Brett Walker SC and Georgina Schoff QC.
- *Supaphien v Chaiyabarn; ACTCA 35 of 2023*: appeared with C Erskine SC in the Supreme Court of the ACT, Court of Appeal in May 2024 in an appeal relating to whether a plaintiff suffered serious harm to her reputation as a result of Facebook publications.
- *Singh Homes Pty Ltd & Ors v Gurvinder Singh*, CI-24-02786: appeared for the plaintiffs in 15-day jury trial in May-June 2025 in the County Court of Victoria. The defendant published a Tik Tok Video



that went viral and was found by the jury to have defamed the plaintiffs and to have engaged in conduct that was misleading or deceptive in breach of section 18 of the *Australian Consumer Law*. The assessment of damages hearing was conducted in August 2025 and judgment is presently reserved.

- *Deep Cycle Systems Pty Ltd v Fischer (No.2) [2025] QDC 61*: appeared for the defendant, a Youtuber who posted reviews of a lithium car battery and successfully brought application to strike out proceedings in the Queensland District Court.
- *Howe v Zuchowski [2024] VSCA 56*: appeared for the respondent with Ms Priya Wakhlu in the Victorian Supreme Court, Court of Appeal, before Beach, J Forrest J and Lyons JJA. Claim related to a Facebook defamation of a property developer and a counterclaim for defamation arising from statements made at a Council meeting.
- *Food and Wine Travel Pty Ltd v Express Travel Group Pty Ltd [2021] VSCA 280*; appeared for the respondent in the Court of Appeal before Macalulay and McLeish JJA and also in the County Court. The case arose from a YouTube video that went viral.
- *Selkirk v Wyatt [2024] FCAFC 48*, appeared for the respondent in the Full Court of the Federal Court of Australia in relation to a serious harm hearing.
- *Courtney v Maguire [2024] VCC 982; [2023] VCC 2280*: Appeared for the plaintiff in 10-day jury trial in the County Court of Victoria who was successful in obtaining an order for damages in the sum of \$125,000.
- *Khan v Google LLC [2023] FCA 785*: Appeared for the applicant on an application for preliminary discovery before Button J.
- *Agustin-Bunch v Smith [2023] VSC 277; [2021] VSC 158*; appeared with Ms Evelyn Tadros for the plaintiff in a defamation claim arising from YouTube videos that have been viewed more than 30 million times throughout the world.
- *Nova Peris v Jacqueline Price*, S ECI 2020 00323 (Victorian Supreme Court): appeared for the plaintiff in a defamation claim arising from statements made on a nationwide television broadcast. The matter was resolved.
- *Zuchowski v Howe [2022] VCC 1604*: appeared for the plaintiff in 7-day defamation trial, arising from Facebook publications relating to a property developer. Mr Zuchowski was awarded damages of \$205,000.
- *Wellington v Metcalf [2022] VCC 1759*: Appeared with Ms Holly Jager for the defendant in 8-day trial before Judge Clayton. Opposed to David Gilbertson KC and Ms Nikou-Madalin.
- *Mulholland v Langdon [2022] VCC 1848*: Appeared for the two plaintiffs in 7-day defamation trial before Judge Clayton and jury of six. The plaintiffs were each awarded damages of \$55,000 and \$25,000 respectively.
- *Peterson v Simopoulos [2021] VCC 1080*: appeared for the defendant in 5-day defamation trial relating to an owners corporation dispute.



- *Dean v Puleio [2021] VCC 848*; appeared for the plaintiff, a periodontist who made a defamation claim arising from defamatory Google reviews. She obtained an order for damages of \$170,000.
- *Szymczak v Balijepalli [2019] FCA 234* (Federal Court of Australia, NSW Registry): appeared for the applicant in a defamation claim arising from an anonymous email. Obtained judgment for \$70,000 and previously obtained preliminary discovery orders to assist in identifying the respondent.
- *Moroney v Zegers [2018] VSC 446* (Victorian Supreme Court): appeared for nine plaintiffs, email publications and defendant proven to have falsely denied publication.
 - Judgment for the plaintiffs for \$810,000 plus interest and indemnity costs, being the second highest defamation verdict in Victorian history;
 - Justice Dixon also referred the papers to the DPP as the defendant admitted to having committed perjury;
- *Cables v Winchester [2018] VSC 392* (Victorian Supreme Court): appeared for the plaintiff, Facebook publications. Judgment for the plaintiff for \$200,000.
- *Rush v Nationwide News Pty Ltd, NSD 2179/2017* (Federal Court, NSW). Appeared for Australian Academy of Cinema and Television Arts on return of subpoena and obtained confidentiality orders for AACTA on 14 November 2018.
- *Johnston v Holland [2017] VSC 595; [2016] VSC 340* (Victorian Supreme Court): defamation, application for discovery, extension of limitation period and application in relation to pleadings: appeared for the defendant.
- *Von Marburg v Aldred & Anor [2016] VSC 565; [2016] VSC 36; [2015] VSC 467*: (Victorian Supreme Court): internet publication on Facebook, appeared with Ms E Tadros for the first defendant.
- *Nineteenth Claybank Pty Ltd v Smith [2016] VCC 904*: (County Court): defamation and injurious falsehood for publication of website. Appeared at trial for the defendant, which ran for five days before it resolved.
- *Harmonious Blend Building Corporation Pty Ltd v Keene & Anor [2015] VSC 276; [2014] VSC 649* (Victorian Supreme Court): publication on Product Review forum on the internet, defamation and misleading or deceptive conduct, with Ms L Papaelia: appeared for the plaintiffs.
- *Sites N Stores Pty Ltd v Whirlpool.net.au Pty Ltd [2015] FCA 1474* (Federal Court): publication on internet forum, preliminary discovery: appeared for the respondent.
- *Clark v Ibrahim & Anor [2015] VSC 301; [2014] VSC 30* (Victorian Supreme Court): publication on the Product Review forum on the internet. Appeared for the plaintiff who claimed misleading or deceptive conduct.
- *Williams v Katis [2014] VSC 405*: defamation trial in Victorian Supreme Court sitting in Mildura arising from television broadcast and local Council election: appeared for the plaintiff.



NEGLIGENCE

Justin has been involved in many types of negligence claims. These include being briefed regularly for Powercor Australia Ltd and CitiPower Pty in relation to claims arising from bushfires and damaged assets. Some of Justin's matters are as follows.

- *Telstra Corporation Ltd v Gramac Excavations Pty Ltd [2022] VCC 944*: appeared for the defendant in 2-day trial before Judge Lauritsen.
- *Powercor Australia Ltd v Maximum Concrete Pumping Pty Ltd [2019] VCC 63* (County Court): negligence, claim for damage to assets including loss of revenue: for the plaintiff. Obtained judgment.
- *CitiPower Pty v Citywide Solutions Pty Ltd & Ors, CI-19-02678*;
- *Richardson v City of Melbourne, CitiPower Pty & Ors, CI – 13-05996*;
- *Powercor Australia Ltd v Zammit, CI-18-01548*;
- *Powercor Australia Ltd v AAI Ltd (t/as GIO): CI-18-05107*;
- *Powercor Aust Ltd v Consolidated Broken Hill Holdings Pty Ltd [2016] VCC 1029*;
- *Trevorrow v Powercor Australia Ltd, SCI 8197 of 2015*: (Victorian Supreme Court, resolved at mediation in 2016) negligence, bushfire on outskirts of Victoria: for the defendant.
- *Powercor Australia Ltd v Cut and Fill Pty Ltd, No. CI-15-01329* (County Court).
- *McCleerey & Anor v CitiPower Pty & Anor, No. CI-08-01921*: (County Court, resolved during trial in 2011, opposed to J Gleeson QC): house fire, negligence, claim that cables had degraded and become faulty, for the first defendant.
 - Plaintiff agreed to withdraw claim after Justin cross-examined the plaintiff's expert.
 - That expert was subsequently sued by the plaintiff and the expert engaged Justin to act on his behalf in the subsequent proceeding.

RECENT COMMERCIAL AND INTELLECTUAL PROPERTY CASES

Justin has acted in a large range of commercial and intellectual property disputes. Over the years, Justin has run many trials in all of the jurisdictions in Victoria. He is most often briefed in the Supreme Court, the County Court and the Federal Court.

A list of some of the commercial and intellectual property matters he has been involved in is as follows.

- *Kith v SLH Industries Pty Ltd & Heng [2025] VCC 432*: appeared for the plaintiff in the County Court of Victoria on an application for contempt of court. Held that the defendant was guilty of contempt and ultimately sentenced to 10 weeks imprisonment.
- *BB Harvesting Pty Ltd v Bogan Farms Pty Ltd [2024] VCC 972; [2024] VCC 1238*: appeared for the defendant in the County Court of Victoria in 6-day trial regarding a harvesting commercial dispute. Plaintiff succeeded on part of the claim and defendant succeeded on part of the counterclaim.



- *Law Partners Compensation Lawyers Pty Ltd v Australian Law Partners Pty Ltd [2024] ATMO 73*: Appeared for the applicant in relation to trade marks opposition hearing before the Australian Trade Marks Office.
- *Cedar Grove Tas Pty Ltd v 7250 Pty Ltd & Ors, Tasmanian Supreme Court No. 203 of 2024*: Appeared for the first defendant on various applications for injunctions relating to two large property subdivisions, before Chief Justice Blow in January and February 2024. Matter presently set down for hearing in April 2024.
- *Halal Certification Authority Pty Ltd v Flujo Sanguineo Holdings Pty Ltd [2023] FCAFC 175; [2021] FCA 1399*: appeared for the respondent in an application for breach of trademark during the trial and on appeal. Respondent was successful in defending the claim and on its cross-claim seeking rectification of the Trade Marks Register. Also represented the respondent in the appeal before the Full Federal Court on 19-20. The appeal was dismissed.
- *Zoo Property Wealth Builder Pty Ltd v Qiyan Investments Pty Ltd & Anor [2020] VCC 167* (County Court): Appeared for the plaintiff in 7-day trial. Plaintiff was successful.
- *Australian Cardiology Services Pty Ltd v Rudd [2020] VSC 645*; appeared for the plaintiff, the operator of a cardiology clinic, and was successful in obtaining an injunction against the defendant, a cardiologist, preventing the use of confidential information;
- *Technology Swiss Pty Ltd v Famous Pacific Shipping (Vic) Pty Ltd [2019] VCC 1542*: Appeared for the plaintiff in a contractual shipping dispute and obtained judgment for approximately \$861,000.
- *Beton Pumping Group Pty Ltd v Zoomlion Capital (Australia) Pty Ltd [2017] VSCA 183; [2017] VSCA 185* (Victorian Supreme Court of Appeal): application for stay of judgment for delivery up of equipment. Appeared for the respondent on two appeals, one pending an appeal to the High Court and successful in having both appeals dismissed.
- *MediaCom Australia Pty Ltd v Natvia Pty Ltd [2017] NSWDC 306* (NSW District Court): breach of contract, television advertising. Appeared for the defendant at trial.
- *Comgroup Supplies Pty Ltd v Products for Industry Pty Ltd & Anor [2016] QCA 88; [2016] QCA 130* (Queensland Court of Appeal): restitution, misleading or deceptive conduct, accessorial liability for breach of fiduciary duties:
 - Appeared for the defendants at the trial [2014] QDC 293, who were successful, including obtaining an order for indemnity costs [2015] QDC 15. The plaintiff appealed to the Queensland Court of Appeal.
 - The appeal was dismissed 3-0 and indemnity costs were ordered for the respondents on the appeal as well.



OTHER MATTERS

Justin is the Deputy Chairperson of the Media Law Section of the Commercial Bar of Australia and has been on its Committee since 2019.

He was also a member of the Victorian Bar's Continuing Professional Development - Sub Committee from 2017 – 2020, has been a member of the Bar's Practice Development Committee and a member of the Editorial Board of the Victorian Bar News.

Justin has been sought to provide comment on developments in defamation in mainstream media and has appeared on ABC News, Foxtel Sky News and Newstalk ZB Radio in New Zealand.